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11-3-16
12/18/2000

December 18, 2000

Ms. Elizabeth McKenna
U.S Environmental Protection Agency
Office of Regional Counsel
1200 Sixth Avenue, M/S ORC 158
Seattle, WA 98101

Re: Portland Harbor Superfund Site, Portland, Oregon

Dear Ms. McKenna:

This letter acknowledges receipt by Foss Maritime Company ("Foss") and Brix Maritime Co. ("Brix") of EPA's general notice letter regarding the above-referenced site. For the reasons stated below, Foss and Brix deny any potential liability at the site and have established convincingly that both should be removed from the list of PRPs.

It is our understanding that Foss and Brix have received notice letters due to operations at the facility located at 9030 N.W. St. Helens Rd. in Portland. However, the operations at this facility do not give rise to potential environmental liability for either Foss or Brix.

First, it should be noted that Foss has never done business at this facility. The facility is operated by Brix, a separate corporation which is a wholly-owned subsidiary of Foss doing business under the assumed Foss name in Oregon. Therefore, Foss should be removed from the PRP list.

With regard to Brix, the Oregon Department of Environmental Quality ("DEQ") previously notified us regarding the sediment issue. We retained an environmental consulting firm and performed an Expanded Preliminary Assessment ("XPA"), a copy of which is enclosed. The XPA, which was presented to and reviewed by the DEQ, established conclusively that the facility does not now and has never represented a potentially significant source of contaminants to the Willamette River sediments. Based on this clear evidence, Brix should also be removed from the PRP list.

If EPA has any material data linking operations at the Brix facility to sediment contamination, Brix will consider entering into good faith negotiations regarding a *de minimis* settlement. Pursuant to EPA's *de minimis* policy, you are mandated to encourage early, expedited settlements to reduce the transaction costs of all parties. The policy makes clear that there is no necessity to prepare a waste-in list or volumetric ranking prior to considering a party's eligibility

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Ms. Elizabeth McKenna

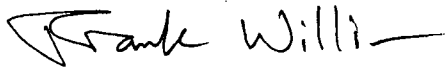
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for a *de minimis* settlement. In addition, the policy encourages settlement with individual parties rather than groups.

Please amend the site contact information for Foss and Brix to the undersigned. Feel free to contact me if you have any questions or would like to discuss this further.

Very truly yours,

A handwritten signature in black ink, appearing to read "Frank H. Williamson", followed by a horizontal line.

Frank H. Williamson
Assistant General Counsel

Cc: Larry Johnson